

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

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ANNE POPE, et al., :
Plaintiffs, : No. 11-CV-0736 (LEK) (DRH)
v. :
COUNTY OF ALBANY, et al., :
Defendants. :
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AFFIRMATION OF PAUL DEROHANNESIAN II

Paul DerOhannesian II, Esq., an attorney duly admitted to practice law in the Courts of the State of New York and the United States District Court for the Northern District of New York, under penalty of perjury, hereby affirms and states the following:

1. I am a member of the bar of this Court and a partner of the law firm of DerOhannesian & DerOhannesian, counsel to Plaintiffs Anne Pope, Janis Gonzalez, and Wanda Willingham (collectively, the “Plaintiffs”). I respectfully submit this affirmation in support of Plaintiffs’ application for an Order to Show Cause for a Temporary Restraining Order. I am fully familiar with the facts and circumstances relative to this matter and application.

2. On June 29, 2011, the Plaintiffs filed this action seeking declaratory and injunctive relief. Among other things, Plaintiffs seek (i) a declaration that Albany County Local Law C of 2011 (“Local Law C”) is void because it violates the Voting Rights Act; and (ii) an injunction enjoining and restraining Defendants County of Albany and Albany County Board of Elections (collectively, the “Defendants”) from taking any actions in furtherance of conducting the petition process, gathering signatures for elections, printing ballots, holding, supervising, or certifying any further proceedings; certifying candidates, holding or conducting any further

primary or general elections; or implementing, utilizing, or certifying elections for the Albany County Legislature in any districts created by Local Law C or any districts previously created.

3. On July 15, 2011, in accordance with a Scheduling Order entered by the Court on July 1, 2011, Plaintiffs filed a motion for a preliminary injunction.

4. On August 3, 2011, the Court began an evidentiary hearing concerning the Plaintiffs' Motion for Preliminary Injunction.

5. The threat presented in this case to Plaintiffs' civil rights is extremely time sensitive.

6. The primary election for the Albany County Legislature is scheduled to take place on September 13, 2011, and the general election is scheduled to take place on November 8, 2011.

7. Unless restrained by this Court, the Defendants will perform acts sought to be enjoined, including conducting primary and general elections for the offices comprising the Albany County Legislature, which will deny minority voters in Albany County their rights to meaningful participation in Albany County Legislature elections in violation of Section 2 of the Voting Rights Act.

8. Temporary relief pending the Court's ruling on the motion for a preliminary injunction, but will ensure that the rights of the Plaintiffs and all minority voters in Albany County will not be abridged or violated in the 2011 elections by reason of diluted voting power.

9. Without the Court's intervention, the constitutional and civil rights of Plaintiffs will be irreparably impaired. As explained more fully in Plaintiffs' memorandum of law in support of its motion for preliminary injunction, any altering or modification of the political calendar is *de minimis* when compared with plaintiffs' constitutional and voting rights.

10. For these reasons, the Plaintiffs request that the Court grant their application for an order to show cause for a temporary restraining order until the Court rules on Plaintiffs' motion for a preliminary injunction.

Submitted this 3rd day of August, 2011

/s/ Paul DerOhannesian II

Paul DerOhannesian II
DEROHANNESIAN & DEROHANNESIAN
derolaw@verizon.net
677 Broadway, Suite 202
Albany, New York 12207-2985
Telephone: 518.465.6420
Fax: 518.427.0614
Bar Roll No. 104792

Attorneys for Plaintiffs